

**BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
VIRTUAL MEETING VIA CISCO WEBEX
JANUARY 19, 2021
8:00 PM**

PRESENT: Mayor Arvin Amatorio, Council President Hernando Rivera, and Council members Thomas Lodato, Buddy Deauna, Ora Kornbluth, Rafael Marte and Marc Pascual

ABSENT: No one.

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Borough Clerk Marie Quinones

Mayor Amatorio called the meeting to order at 8:04 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk. Notice of this meeting via the January 15, 2021 Sunshine Notice has been sent to the Record, Star Ledger, Twin Boro News and Cablevision and posted on two municipal bulletin boards and the Borough website."

The Salute to the Flag was led by Councilperson Marte.

AGENDA CHANGES

Councilperson Kornbluth made a motion to add Resolution #21-032 to the agenda and appoint Bochy Lora and Jennifer DaCosta as Community Members to the Municipal Alliance Committee. Councilperson Marte seconded the motion. All present voting in favor, none opposed.

APPROVAL OF MINUTES

Councilperson Marte made a motion to approve the minutes of the January 5, 2021 Reorganization Meeting and the January 5, 2021 Closed Session Meeting. Council President Rivera seconded the motion. All present voting in favor, none opposed.

VERBAL COMMUNICATIONS I

Mayor Amatorio opened the meeting and invited the public for comments on agenda items only, limited to five minutes per speaker.

John Smith, resident, commented that on the Consent Resolution items S and U. Mr. Smith stated that the members of the Zoning Board of Adjustment voted on whether to review the RFQs for professionals, and the members expressed they had no desire to look at the RFQs because the professionals have done a great job. Mr. Smith stated that the majority of the board made a decision to keep the current professionals. He explained that some members wanted to review the RFQs, but others did not. He further explained that it was noted that unless there were significant changes to the membership of the board, it was decided that the current professionals would remain the same. Mr. Smith questioned why the board members changed their mind and decided to review RFQs. He stated that this situation is another example of the Chairman making his own decisions and holding back room deals with the governing body. Mr. Smith inquired where is the diversity on the board that was promised several months ago. He also inquired why the residents are being permitted to go over the easement under item U. He inquired if this has been done in the past, and if so, he would like to know the reason.

SGM Warren Williams, resident, stated that under Resolution #21-054, the board approved 40 Laurel Court's application, but as a nearby resident, he never received any notification with regards to changes on this property.

Karen Buehler, resident, stated that she has an overnight parking issue on her street. She inquired if the overnight parking ban has been lifted. Mrs. Buehler noted that the ordinance prohibits overnight parking between the hours of 2 a.m. and 6 a.m. She stated there are several cars that park on her street overnight.

There being no one else who wishes to be heard, Mayor Amatorio closed Verbal Communications I.

Mayor Amatorio stated that with regards to the RFQ, the governing body issued RFQs for all board professionals, but it is up to the board to decide who they will hire. The governing body has no jurisdiction to tell the boards who to appoint. He explained that the selection of professionals for each respective board is an independent decision of the board.

Borough Attorney Schettino stated that in the past, there was an issue with the board not utilizing the RFQs that were solicited for them. Last year, we advised them to use the RFQ. Mr. Schettino stated that since they are autonomous boards, the decision is up to them. He understands the points made by Mr. Smith, that the board's decision seems inconsistent. However, the governing body has no authority over the boards use of the RFQ process. Mr. Schettino stated that with respect to the agreement for 40 Laurel Court, this type of agreement does not happen often, but it does happen. He is unsure as to whether Bergenfield has had an application as such in the past, but the approval is up to the discretion of the governing body. He explained that the matter involves a property owner that is adjacent to the Borough's right-of-way, and wishes to utilize a portion of the property. Mr. Schettino noted this typically happens when a property owner wants to install a pool in the rear yard. He explained that the hold harmless agreement protects the Borough, as the property owner will be responsible to maintain and care for the easement area and will be responsible for any incidents that occur on it. He further explained that if the borough has a use for the area, the borough may access the area and may terminate the agreement at any time. He stated the Borough is fully protected under the hold harmless agreement, and at the same time, is extending the courtesy for the property owner to use their rear yard.

Mayor Amatorio stated that overnight parking is now in effect. He stated that residents should call the Police Department to receive permission to park their vehicles on the street overnight.

Police Chief Rabboh stated that overnight parking is not suspended right now. He stated that residents may request permission to park their vehicles overnight by calling the department or using the online portal. A police officer will drive by to ensure the vehicles were granted permission.

Borough Administrator Gallo recommended that a patrolman inspect the area of E. Central to ensure the vehicles have permission to park overnight. Mr. Gallo also provided Mrs. Buehler his email, in case there are any further issues.

PRESENTATIONS

A. Hiring and Appointments

21-032/To Hire Part-Time Clerical Employee – Jaime Luppino

Resolution #21-032 was removed from the agenda.

CORRESPONDENCE

a.) Pascual/Her Drive Co.

RE: Request to place donation box at Borough Hall
for hygiene products

Mayor Amatorio requested more information on this request, since Borough Hall is currently closed.

Councilperson Kornbluth read the request and stated that the non-profit organization is requesting to place a box for donations for feminine products.

Borough Administrator Gallo stated that although the borough hall is closed to the public, the box can be placed in the main lobby, similar to other donation boxes.

Motion by Councilperson Marte, seconded by Council President Rivera, to approve Correspondence Item A. All present voting in favor, none opposed.

ORDINANCES

None.

A. CONSENT AGENDA

CONSENT RESOLUTION 21-033. All matters listed below are considered by the Governing Body to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Governing Body, that item will be removed from the Consent Agenda and considered separately.

- a. **21-034/**To Approve Bill List
- b. **21-035/**To Approve Contract – Borough Attorney – John L. Schettino
- c. **21-036/**To Approve Contract – Borough Engineer - Remington & Vernick Engineers
- d. **21-037/**To Approve Contract – Special Projects Engineer - T&M Associates
- e. **21-038/**To Approve Contract – Bond Counsel - Rogut McCarthy LLC
- f. **21-039/**To Approve Contract – Labor Counsel - McCusker, Anselmi, Rosen & Carvelli, P.C.
- g. **21-040/**To Approve Contract – Tax Appeal Counsel - Boggia Boggia Betesh & Voytus LLC
- h. **21-041/**To Approve Contract – Tax Appeal Counsel - Gloria Oh Law Group LLC
- i. **21-042/**To Approve Contract – Borough Auditor - Lerch, Vinci, Higgins LLP
- j. **21-043/**To Approve Contract – Risk Consultant - GJEM – Otterstedt Insurance Agency
- k. **21-044/**To Approve Contract – Grants Consultant – Millennium Strategies LLC
- l. **21-045/**To Approve Contract – Borough Appraiser - Associated Appraisal Group
- m. **21-046/**To Approve Contract – Borough Prosecutor – Marc A. Callo, Esq. Mac Law Group
- n. **21-047/**To Approve Contract – Alternate Borough Prosecutor – Linda H. Schwager, Esq.
- o. **21-048/**To Approve Contract – Public Defender – Robert C. Metzdorf, Esq.
- p. **21-049/**To Approve Contract – Alternate Public Defender – Steven Sciancalepore, Esq.
- q. **21-050/**To Approve Contract – Municipal Advisor Services – Phoenix Advisors LLC
- r. **21-051/**To Approve Contract – Animal Control Services – Tyco Animal Control Service
- s. **21-052/**To Authorize RFQ – Zoning Board of Adjustment Attorney and Engineer
- t. **21-053/**To Approve Housing Element and Fair Share Housing Plan
- u. **21-054/**To Approve Hold Harmless Agreement – 40 Laurel Court
- v. **21-055/**To Approve Temporary Emergency Appropriation
- w. **21-056/**To Accept Resignation – Monica Chalarca
- x. **21-057/**To Appoint and Approve Contract – Special Labor Counsel – Chasan Lamparello Mallon & Cappuzzo PC
- y. **21-058/**To Approve Agreement – Local Public Health Services – Mid-Bergen Regional Commission
- z. **21-059/**To Confirm Endorsements to Community Development Block Grant (CDBG) Projects – North and South Railroad Avenue Improvement Project

Motion by Council President Rivera, seconded by Councilperson Deauna, that the Consent Resolution be approved.

On a roll call, the vote on the Consent Resolution was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

B. Resolutions

21-060/To Approve Contract – Bergenfield Employees' Association

Motion by Councilperson Marte, seconded by Councilperson Lodato, that Resolution #21-060 be approved.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

UNFINISHED BUSINESS

A. Recommendations and Nominations for Boards and Committees

Mayor recommends and nominates the following to serve on the respective boards and committees for a one-year term, term expiring December 31, 2021:

MUNICIPAL ALLIANCE COMMITTEE

Corey Gallo - Borough Administrator
Christopher Langschultz - Bergenfield School District
Bochy Lora - Community Member
Jennifer DaCosta - Community Member

SITE PLAN COMMITTEE

Robert Byrnes, Jr. - Class II Planning Board Member and Fire Captain

Motion by Council President Rivera, seconded by Councilperson Pascual, that the nominations be confirmed.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Council President Rivera:	<i>aye</i>
Councilperson Marte:	<i>aye</i>	Councilperson Pascual:	<i>aye</i>

NEW BUSINESS

None.

COMMITTEE/DEPARTMENT REPORTS

Motion offered by Council President Rivera that the Committee/Department Reports be spread upon the minutes in full and filed. Seconded by Councilperson Marte. All in favor, none opposed.

VERBAL COMMUNICATIONS II

Mayor Amatorio opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Joel Berkowitz, resident, stated that he formerly served on the Zoning Board of Adjustment as an alternate member. He stated that he never received any notification of his removal from the board and therefore continued to work. He stated that when he was appointed to the board, he promised to fully serve and extensively review plans for the good of the community. He stated that no one thought to notify him that he will not be nominated, and therefore he continued to work when he was no longer a member. Mr. Berkowitz expressed that he feels this was disrespectful. Mr. Berkowitz stated someone should have informed him he that he was not reappointed.

John Smith, resident, stated that over two months ago, he mentioned that the zoning map needs to be updated. He noted that the last time the map was done was back in 1976. He inquired the status of the zoning map update. Mr. Smith stated that with regards to the home on Wilbur Road, it has been over two years since the taxes have been updated and inquired the reason. He explained that this is the same home that has pavers in the backyard, and inquired if any action has been taken. Mr. Smith stated that the holiday banners on the poles down the avenue are a safety concern because they have no stoppers and are flown off by the wind. Mr. Smith expressed that the governing body missed the point on the RFQ. He stated that RFQs were submitted by firms, and so he would like to know if there was a deal to have another RFQ for a professional that did not originally submit a proposal. Mr. Smith inquired what happens to the professionals that already submitted an RFQ.

SGM Warren Williams, resident, stated that there is an issue with flags being flown improperly around town. He referenced facilities and commercial properties that have flag poles, but lack the proper protocols. He inquired whether the Mayor and Council will take action or pass an ordinance to rectify the issue. SGM Williams also inquired when the Borough will pull a Civil Service list for positions available to Veterans.

Jennifer DaCosta, resident, thanked the Mayor and Council for her appointment to the Municipal Alliance Committee. She stated that she has volunteered for many activities around town, ran project graduation for the past four years, delivered Christmas gifts, and volunteered for many other events. Mrs. DaCosta thanked everyone for the appointment and expressed that she looks forward to serving on the committee.

There being no one else who wishes to be heard, Mayor Amatorio closed Verbal Communications II.

Mayor Amatorio expressed his sincere apologies to Mr. Joel Berkowitz. He stated that Mr. Berkowitz should have been notified and apologized for the short coming. Mayor Amatorio further stated that the decision to make an appointment to the Zoning Board of Adjustment was a last-minute decision, and therefore the agenda was advertised with no appointments. He explained that prior to the decision, there were no persons nominated to the board and the Council had no intent to make appointments. He expressed that this was no disrespect to Mr. Berkowitz and apologized once again. Mayor Amatorio thanked Mr. Berkowitz for his years of service on the board.

Councilperson Marte apologized to Mr. Berkowitz and explained that the decision was last minute. Councilperson Marte thanked Mr. Berkowitz for his service.

Borough Administrator Gallo stated that the home with the pavers came on Wilbur Road came in with a plan to modify their backyard, and the plan reduced the paver volume. He will confirm the status with the building department and will report back to Mr. Smith. He stated that he will also speak to the Zoning Officer with regards to the zoning map and will involve the engineers if needed. Mr. Gallo stated that all the banners on the poles should have been removed by now, but he will look into the issue. Mr. Gallo further stated that with regards to the flags, he receives the same notification the Police Department and DPW receive when the flags should be lowered or raised. Mr. Gallo referenced that he too is unhappy with the flags around town and tries to take action on the ripped flags on our facilities. He will advise the Zoning Officer to respectfully notify the residents and commercial property owners on the protocols of the American flag.

COUNCIL COMMENTS

Councilperson Lodato apologized to Mr. Joel Berkowitz and thanked him for his service on the Zoning Board of Adjustment. He stated that with regards to the comments made by Mr. John Smith, he has been waging an on-going battle each year for the board to make changes to the position of the board attorney. Mr. Lodato explained that two RFQs were submitted for the position, one being from an attorney that was appointed as tax appeal counsel. He stated that if the board were to revert back to the RFQ process, they would only have one selection, which is the person Mr. Smith is adamantly against. It appears there will be a change, therefore Mr. Smith has won.

Councilperson Deauna apologized to Mr. Joel Berkowitz and thanked him for his service to the community.

Councilperson Marte thanked everyone for attending this meeting and wished all good evening.

Councilperson Kornbluth also apologized to Mr. Joel Berkowitz as she personally knows the number of hours it takes to serve on the board. She thanked him for his service.

Council President Rivera thanked Mr. Berkowitz for his service and advised everyone to be safe.

Councilperson Pascual thanked everyone for attending the meeting and thanked Mr. Berkowitz for his years of service. He stated that it is unfortunate this happened, but apologized on behalf of the council. Councilperson Pascual also thanked Mrs. DaCosta for her years of service.

Mayor Amatorio reminded residents that COVID-19 testing is available on Monday, Wednesday, and Saturday, and asked residents to encourage their family and friends whether they are insured or uninsured. Testing is also available for employees on specific days. He stated that the first round of COVID-19 vaccines will be received this week. The Health Department is keeping a list of residents that are interested in the vaccine. Mayor Amatorio stated that the supply is limited, but hopefully in the next two weeks, the State will increase the borough's allocation. The Borough is fortunate to receive 100 vaccines, as the supplies are very limited all throughout the County. The Department of Health and the Borough Administrator are working hard to make sure we receive the vaccines on a regular basis, and hope to expand in the weeks to come. Mayor Amatorio thanked all the residents for connecting to the meeting.

CLOSED SESSION

RESOLUTION 21-061/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

- A. Personnel
 - 1. Police Department Personnel Matters
- B. Attorney-Client Privilege
 - 1. PBA Local 309 Contact
- C. Contracts/Agreements
 - 1. Tax Collector Contract
 - 2. Local 108 R.W.D.S.U., UFCW

On a motion by Councilperson Kornbluth , seconded by Council President Rivera, and all present voting in favor, the meeting was adjourned to the Closed Session at 9:03 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, seconded by Councilperson Lodato, and all present voting in favor, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Marie Quinones, RMC
Borough Clerk